



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

STATE OF UTAH

DIVISION OF WATER RIGHTS

DIVISION OF WATER RIGHTS,
JERRY D. OLDS
STATE ENGINEER,

Claimant

v.

Duchesne City Water Service District

Respondent

DISTRIBUTION ORDER

No. SEAA 1308

Water Right Nos. 43-180, 43-203, &
43-11416

TO: Duchesene City

The City's water rights and perhaps contracts or agreements with other water users allow the City to be delivered its water from several sources and points of diversion including:

- Knights Diversion (Orchard Mesa Canal)
- Rocky Point Canal
- Starvation Reservoir (treatment plant)

The water commissioner reports that he is unable to adequately regulate, measure, and record the amount of water delivered to the City because there is no set schedule indicating how water under these rights and agreements is to be delivered through each of these sources and points of diversion.

Therefore, as authorized under §73-5-8 UCA, the City is hereby requested to submit a water use plan for 2009 detailing the City's plan for diverting water from each of the sources and points of diversion listed above. The plan should show which water rights will be used at each source and point of diversion and how much water will be used from each water right at each source. If the City has agreements or contracts that provide for delivery of water to the City, those should also be included in the plan with the amounts that will be taken from each source under each contract or agreement. We would also appreciate receiving a copy of any contracts or agreements the City has of this nature; these will greatly assist the water commissioner to better regulate the distribution of water.

We request that the 2009 water use plan and the copies of the contracts and agreements be submitted to this office within 30 days from the date of this letter.



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Subject:

This request is being issued as a Distribution Order, which is enforceable under the provisions of §73-2-25 and §73-2-26 UCA. Failure to comply with this Order may result in State Engineer enforcement action as specified in the sections cited including an Order to Cease the Use of Water and financial penalties.

The need for this information will continue as long as the City receives delivery of its water through multiple sources and points of diversion. Therefore, the City will be required to submit a water use plan each year. A reminder letter will be sent each year with Distribution Orders issued as necessary.

We appreciate your assistance in helping us provide the information needed by the water commissioner to adequately regulate and distribute the waters of the Duchesne River Distribution System. If you have any questions concerning this request, please contact me by phone at 801-538-7430 or by e-mail at MikeSilva@utah.gov.

Dated this 27 day of April, 2009



Mike Silva
Distribution Engineer

cc: Bob Leake, Regional Engineer
John Swasey, Water Commissioner

Delivery Address:

Duchesene City
Duchesne City Water Service District
165 South Center, Drawer 974
Duchesne UT 84021

SCANNED